

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP and
WAPP TECH CORP.,

Plaintiffs,

V.

WELLS FARGO BANK, N.A.,

Defendant.

[illegible]

Case No. 4:21-cv-00671-ALM

JURY TRIAL DEMANDED

AGREED ORDER TO EXTEND PRE-TRIAL DEADLINES

Amended Deadline	Existing Deadline	Deadline Description
	July 18, 2022	Comply with P.R. 3-7 on designation of willfulness opinions.
October 1, 2022	August 5, 2022 30 days after entry of the claim construction order	Mediation deadline.
October 20, 2022	August 18, 2022	Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations, and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or that Patent Rules, nor an excuse to delay disclosure of information. It is a catchall deadline for provision of all remaining information that may be relevant to a claim or defense of any party at trial.

October 20, 2022	August 18, 2022	Fact Discovery Deadline. All discovery must be served in time to be completed by this date.
October 27, 2022	August 25, 2022	Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(2)(B).
November 22, 2022	September 20, 2022	Parties designate expert witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B). Objections to any expert, including Daubert motions, shall be filed within 3 weeks of the Expert Report disclosure. Such objections and motions are limited to ten pages.
December 13, 2022		Objections to any expert, including Daubert motions, shall be filed within 3 weeks of the Expert Report disclosure. Such objections and motions are limited to ten pages.
December 1, 2022	September 29, 2022	Deadline to file dispositive motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rules CV-7. Responses to motions shall be due in accordance with Local Rule CV-7(e). Expert Discovery deadline
December 22, 2022		Responses to Dispositive Motions
December 23, 2022		Responses to expert objections/Daubert Motions

January 5, 2023		Replies to Dispositive Motions
January 6, 2023		Replies to expert objections/Daubert Motions
January 12, 2023		Sur-replies to Dispositive Motions
January 13, 2023		Sur-replies to expert objections/Daubert Motions
January 20, 2023	January 13, 2023	<p>Notice of intent to offer certified records.</p> <p>Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See www.txed.uscourts.gov) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases)).</p>
January 26, 2023	January 19, 2023	<p>Video Deposition Designations due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the court's rulings on objections.</p>
January 25, 2023	January 18, 2023	<p>Motions in limine due.</p> <p>File Joint Final Pretrial Order (see www.txed.uscourts.sovl. Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a</p>

		<p>hyperlinked exhibit list on disk (2 copies) and no hard copies.</p> <p>If Parties will be requesting daily copy of the transcript during trial, they must notify the Court's court reporter Chris Bickham, Chris_Bickham@txed.uscourts.gov by this date.</p>
February 2, 2023	January 26, 2023	Objections and counter deposition designations due. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the court's rulings on objections.
February 8, 2023	February 3, 2023	<p>Responses to motions in limine due.</p> <p>File objections to witnesses, depositions extracts, and exhibits, listed in pre-trial order. This does not extend the deadline to object to expert witnesses. If numerous objections are filed, the court may set a hearing prior to docket call.</p> <p>File Proposed Jury Instructions and Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).</p>
February 17, 2023	February 17, 2023	Final Pretrial Conference at 9:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.
	TBD	Jury selection and trial at 10:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.

IT IS SO ORDERED.

Signed this _____ day of _____, 2022.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE

Dated: July 21, 2022

/s/ Danielle T. Williams

Thomas M. Melsheimer
Texas Bar No. 13922550
tmelsheimer@winston.com
Katrina G. Eash
Texas Bar No. 24074636
keash@winston.com
William G. Fox, Jr.
Texas Bar No. 24101766
WFox@winston.com
Steven R. Laxton
Texas Bar No. 24120639
slaxton@winston.com
WINSTON & STRAWN LLP
2121 N. Pearl Street, Suite 900
Dallas, Texas 75201
Telephone: (214) 453-6500
Facsimile: (214) 453-6400

Elizabeth Danielle T. Williams
North Carolina Bar No. 23283
dwilliams@winston.com
WINSTON & STRAWN LLP
300 South Tryon Street, 16th Floor
Charlotte, NC 28202
Telephone: (704) 350-7790
Facsimile: (704) 350-7800

Matthew R. McCullough
California State Bar No. 301330
MRMcCullough@winston.com
WINSTON & STRAWN LLP
255 Shoreline Drive, Suite 520
Redwood City, CA 94065
Telephone: (650) 858-6453
Facsimile: (650) 858-6550

Attorneys for Wells Fargo Bank, N.A.

Respectfully submitted,

/s/ Weining Bai

Jason McManis
Texas Bar No. 24088032
jmcmanis@azalaw.com
Weining Bai
Texas Bar No. 24101477
wbai@azalaw.com
Kelsi Stayart White (Pro Hac Vice)
Texas Bar No. 24098477
kwhite@azalaw.com
AHMAD, ZAVITSANOS & MENSING P.C.
1221 McKinney Street, Suite 2500
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

Leslie V. Payne
State Bar No. 0784736
lpayne@hpcllp.com
R. Allan Bullwinkel
State Bar No. 24064327
abullwinkel@hpcllp.com
Alden G. Harris
State Bar No. 24083138
aharris@hpcllp.com
Christopher L. Limbacher
State Bar No. 24102097
climbacher@hpcllp.com
William B. Collier, Jr.
State Bar No. 24097519
wcollier@hpcllp.com
HEIM PAYNE & CHORUSH, LLP
1111 Bagby St., Suite 2100
Houston, Texas 77002
Telephone: (713) 221-2000
Facsimile: (713) 221-2021

Christopher Larus (Pro Hac Vice)
Minnesota Bar No. 0226828
clarus@robinskaplan.com
John K. Harting (Pro Hac Vice)
Minnesota Bar No. 0392234
jharting@robinskaplan.com
Benjamin C. Linden (Pro Hac Vice)
Minnesota Bar No. 0393232

blinden@robinskaplan.com
Emily J. Tremblay (Pro Hac Vice)
Minnesota Bar No. 0395003
etremblay@robinskaplan.com
Rajin S. Olson (Pro Hac Vice)
Minnesota Bar No. 0398489
rolson@robinskaplan.com
Robins Kaplan LLP
800 LaSalle Ave., Unit 2800
Minneapolis, MN 55402
Telephone: (612) 349-0116
Facsimile: (612) 339-4181

J. Michael Young
SBN 00786465
myoung@somlaw.net
Roger D. Sanders
SBN 17604700
rsanders@somlaw.net
SANDERS, MOTLEY, YOUNG & GALLARDO,
PLLC
111 South Travis Street
Sherman, Texas 75090
(903) 892-9133
(903) 892-4302 (fax)

**ATTORNEYS FOR PLAINTIFFS WAPP
TECH LIMITED PARTNERSHIP AND
WAPP TECH CORP.**

CERTIFICATE OF CONFERENCE

I hereby certify that on July 21, 2022, counsel for Plaintiff conferred via e-mail with counsel for the Defendant regarding the Motion. Based on that conference, the relief requested herein is unopposed.

/s/ Weining Bai
Weining Bai

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was filed electronically on July 21, 2022. As such, this document was served on all counsel of record pursuant to the Federal Rules of Civil Procedure.

/s/ Weining Bai
Weining Bai